

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-7 are pending in this application. Claims 1 and 5-7, which are independent, are hereby amended. No new matter has been introduced. Support for this amendment can be found throughout the Specification as originally filed, and specifically at paragraphs [0134-0138]. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-7 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,870,570 to Bowser (hereinafter, merely “Bowser”) in view of U.S. Patent No. 6,993,782 to Newberry, et al. (hereinafter, merely “Newberry”) and further in view of U.S. Patent No. 6,670,971 to Oral (hereinafter, merely “Oral”) and further in view of U.S. Patent No. 6,536,041 to Knudson, et al. (hereinafter, merely “Knudson”).

Claim 1 recites, *inter alia*:

“...wherein the other program information comprises advertisement information targeted at a user and targeted at a specific type of portable information terminal apparatus the user is operating...” (Emphasis added)

As understood by Applicants, Bowser relates to a system for transferring auxiliary data from a television receiver to a display device and a shared data device. The auxiliary data represents data in addition to the audio and video portions of a television program.

As understood by Applicants, Newberry relates to a system of defining, creating and decoding composite virtual channels which supports dynamic channel and event substitution. A method, for use in a decoder for acquiring a program conveyed on more than one broadcast channel, involves generating a program guide display. The program guide display lists programs being broadcast on a plurality of broadcast channels during specified broadcast time segments and also lists a particular program on both a first and a second broadcast channel. The particular program is acquired from the first broadcast channel in response to user selection of either of the first and second broadcast channels.

As understood by Applicants, Oral relates to defining different program types or genres, and categorizing television programs into different genres. Each program is associated with a description which includes the assigned genre.

As understood by Applicants, Knudson relates to a program guide system that is implemented, at least partially, on user television equipment that receives information in real time.

Applicants respectfully submit that Bowser, Newberry, Oral, or Knudson, taken either alone or in combination, do not teach or suggest the above-identified features of claim 1.

Indeed, the Office Action concedes that the combination of Bowsver, Newberry, and Oral fails to teach or suggest that the advertisement information is targeted at a user and targeted at a specific type of portable information terminal apparatus the user is operating, and relies on Knudson for this. Specifically, the Office Action cites Figures 16 and 24 and column 18, line 61 to column 19, line 28. Applicants submit that the cited portions of Knudson teach a ticker may be sponsored by a company and displayed to a user on their television screen. Applicants submit that such disclosure does not render claim 1 unpatentable.

Furthermore, Figures 16 and 24 of Knudson do not teach that the other program information comprises advertisement information targeted at a user and targeted at a specific type of portable information terminal apparatus the user is operating.

See Figures 16 and 24 of Knudson below.

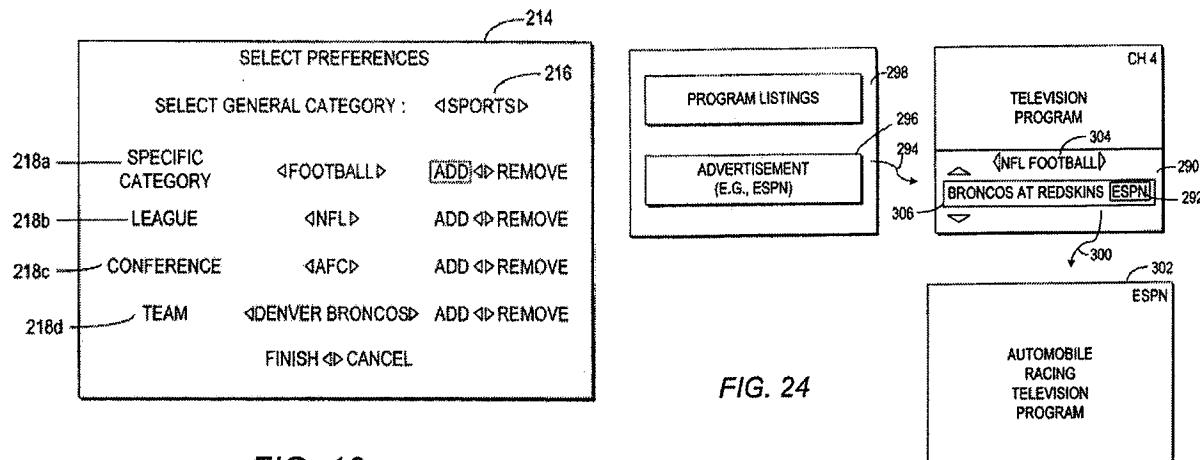


Figure 16 teaches that a user may set up certain preferences for the program guide to use when displaying a controllable ticker, such as providing the user with the opportunity to select one or more general preference and specific favorites related to that general preference.

Figure 24 relates to allowing a company logo to be displayed by a sponsoring company.

Indeed, Knudson does not disclose that the displayed logos are targeted at a specific type of portable information terminal apparatus the user is operating.

Bowser, Newberry, Oral, and Knudson do not teach or suggest a portable information terminal apparatus comprising, retrieving means which, based on the time extracted by said extracting means, retrieves other program information about programs to be broadcast in a time slot relative to said program information, wherein the other program information comprises advertisement information targeted at a user and targeted at a specific type of portable information terminal apparatus the user is operating, as recited in independent claim 1.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 5-7 are also believed to be patentable.

### **III. DEPENDENT CLAIMS**

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

**CONCLUSION**

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference, or references it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By



Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800